

Subject: CLEARANCE OF **PERSONNEL** FOR SEPARATION OR TRANSFER

1-90-00	Purpose
10	Definitions
20	Responsibility for Developing and Maintaining Clearance Procedures
30	Policy
40	Minimum Requirements of Clearance Procedures
50	Items for Which Clearance is Required
60	Clearance Form
70	Supply of Forms

Exhibits

1-90-A	Form HHS-419, Clearance of Employees for Separation or Transfer
1-90-B	Instructions for Completion of Form HHS-419
1-90-c	Sample Installment Repayment Agreement for Transferring Employees
1-90-D	Post-Employment Restrictions Applicable to Former Employees of the Department of Health and Human Services

1-90-00 PURPOSE

This chapter sets forth policy and instructions concerning the clearance of separating or transferring employees.

1-90-10 DEFINITIONS

For purposes of this Chapter, the following definitions apply:

Accountable Property - All personal and real property which is made subject to accountability by appropriate authority. Such property includes that capitalized in the fiscal records of the Department and usually all personal property for which quantitative record control is required to be maintained.

Administrative Officer - An employee whose primary activity consists of providing staff, auxiliary, or administrative services for an organizational unit.

Custodial Officer - An employee designated by an organization to be responsible for the custody of its personal property.

Debt - An amount of money, property and/or advanced leave owed to the Department.

Finance Office - The office responsible for providing **accounting** services to the departing employee's organization.

Salary Offset - A procedure by which payroll may **collect** outstanding employee debt from an employee's salary.

Separating Employee - An employee or officer (including a Commissioned Officer of the Public Health Service) who leaves the employment of the Federal Government.

Servicing Personnel Office (SPO) - The **personnel** Office that handles the processing of personnel actions for the departing employee, and which is responsible for maintaining the employee's Official Personnel Folder.

Transferring Employee - An employee who transfers to another Federal agency, or from one HHS component to another HHS component (i.e., from the jurisdiction of one **HHS** supervisory position to another).

J-90-20 **RESPONSIBILITY FOR DEVELOPING AND MAINTAINING CLEARANCE PROCEDURES**

- A. The following officials are responsible for the development and maintenance of clearance procedures within their agency or offices:
1. The Executive Officer or designee in each Operating Division (OPDIV) for the **OPDIV's** headquarters employees and its field employees not under the jurisdiction of the Regional Finance Offices.
 2. The Regional Director or designee in Regional Offices for all employees under the jurisdiction of the Regional Finance Offices.
 3. The Assistant Secretary for Management and Budget or designee for Office of the Secretary (OS) headquarters employees.

4. The Inspector General ~~or~~ designee for the Office of the Inspector General (OIG) employees.
- B. Officials listed in "A" above, in conjunction with their respective Finance Office, shall review the operation and effectiveness of the clearance procedures within their respective agency or office at least once every three years and shall take immediate action to correct any deficiencies in the procedures.
- C. Officials listed in "A" above shall ensure that supervisors receive appropriate training and shall issue an annual reminder notice to supervisors of their responsibilities pertaining to the clearance procedures.

1-90-30 POLICY

- A. For each separating or transferring employee, the employee's immediate supervisor, with assistance from the organization's administrative officer, is responsible for the following:

1. Immediately notifying the SPO when the supervisor learns of an impending employee separation or transfer: preparing SF 52, Request for Personnel Action, and submitting it to the SPO in a timely manner.
2. Preparing Form BBS-419, Clearance of Personnel for Separation or Transfer, Part A (items 1-7) and Part B (items 8-14) in accordance with Exhibit 1-90-A and obtaining appropriate clearances. Item 14 in Part B (Other Clearances) may be used to enter additional clearance requirements. (See Exhibit 1-90-B for instructions.)

For locations which are distant from the clearance offices, the supervisor has the option to complete the appropriate items on the Form BBS-419 through a telephone exit interview with the appropriate clearance officials. Telephone clearances must be annotated on this form with the name of the official contacted, status of each item, and date of clearance.

3. Ensuring that issues of employee indebtedness to the Department are resolved and that actions taken are noted on Form BBS-419. (Reference: Debt Collection Act of 1982 as implemented by 45 CFR Part 30. Also see Departmental Accounting Manual Chapters 10-30 and 10-41 and HHS Personnel Manual Instruction 550-g.)

a. **Separating from the Federal Government.**

- (1) If the employee is separating from the Federal Government, all outstanding indebtedness must be repaid before separation. Agreements for repayment after separation are not acceptable.
- (2) If the employee has an outstanding debt that is unresolved at the time of separation, the supervisor is responsible for ensuring that the employee's final timecard is not sent to payroll through the normal process. The supervisor will send the timecard and an explanatory memorandum to payroll through the payroll liaison. Payroll will withhold the amount of the debt from the final salary payment and the lump-sum annual leave payment. If necessary, payroll will take other appropriate actions permitted under the Debt Collection Act and other authorities as required, including a request to the Office of Personnel Management (OPM) to withhold the appropriate amount when the employee seeks to withdraw retirement monies. (Procedures for collecting debt from Commissioned Officers are contained in the PHS Commissioned Corps Manual.)
- (3) If indebtedness is discovered after submission of the final timecard, the supervisor must immediately request the payroll liaison to arrange for withholding from the final salary payment, lump-sum annual leave payment and retirement benefits. (Procedures for collecting debt from Commissioned Officers are contained in the PHS Commissioned Corps Manual.)
- (4) If the indebtedness is later cleared by the employee, the supervisor should inform the payroll liaison so that the employee can be paid any amounts withheld.

b. **Transferring to another HHS component.**

- (1) If the employee is transferring to another HHS component and has an outstanding debt, the employee may elect to pay off the debt in full prior to transfer, pay the debt in

installments, or have payroll automatically deduct payments from his/her salary.

Employees must sign an agreement in the case of installment payments (see Exhibit 1-90-C for sample agreement). If an installment agreement or salary offset is already in effect, the employee may continue repayment through this mechanism until the debt is satisfied.

- (2) If the employee has an outstanding debt that is unresolved under b(1) above at the time of transfer, the supervisor will notify the payroll liaison and request initiation of salary offset (see HHS Personnel Manual Instruction 550-9).
- (3) If indebtedness is discovered after the employee has transferred, the SPO will inform the employee's new SPO and request assistance in obtaining resolution from the employee (see HHS Personnel Manual Instruction 550-g). If full payment or a signed agreement for installment payments is not received within 60 days, salary offset is to be initiated.

C. **Transferring to another Federal Agency.**

- (1) If the employee is transferring to another Federal Agency and has an outstanding debt, the employee may elect to pay off the debt in full prior to transfer, pay the debt in installments, or if salary offset is already in effect, continue repayment through salary offset at the new agency until the debt is satisfied. Employees must sign an agreement in the case of installment payments. (See Exhibit 1-90-C for sample agreement.) To either initiate or continue salary offset, payroll computes the status of employee indebtedness as of the effective date of transfer, and provides this information to the SPO. The SPO will then request the new agency to initiate or continue salary offset until the debt is satisfied.
- (2) If the employee has an outstanding debt that is unresolved under C(1) above at the time of transfer, the supervisor will notify the payroll liaison and request initiation of

salary offset (see HHS Personnel Manual Instruction 550-9).

- (3) If indebtedness is discovered after the employee has transferred, the SPO will inform the employee's new agency and request assistance in obtaining resolution from the employee (see HHS Personnel Manual Instruction 550-9). If full payment or a signed agreement for installment payments is not received within 60 days, the SPO will request salary offset.
4. Ensuring that the employee has satisfactorily accounted for accountable property, funds, forms, and records.
 - a. If the employee's responsibilities include accountability for property at an installation or accountability for funds, appropriate arrangements **must be** made to verify the accuracy of records and/or accounts and to transfer responsibility to a successor in accordance with HHS Materiel Management Manual Part 103-27.5015.
 - b. Issues regarding property provided to employees with disabilities as a reasonable accommodation and the possibility of its transfer to another part of HHS or another Federal agency should be handled in accordance with HHS Materiel Management Manual Parts 103-43.1 and 103-43.3.
 - c. If accountable property, funds, forms and records are not returned or proper clearances not obtained, the supervisor is responsible for ensuring **that** issues of employee indebtedness to the Department are resolved and that actions taken are noted on Form HHS-419.
 - (1) For employees separating from the Federal Government, see 1-90-30A.3a.
 - (2) For employees transferring to another HHS component, see 1-90-30A.3b.
 - (3) For employees transferring to another Federal agency, see 1-90-30A.3c.
 - d. When deductions for missing property have been made from an employee's final salary payment, lump-sum leave payment and/or retirement account,

and the missing property is later returned, the former employee is entitled to repayment for any amounts deducted. The supervisor, with assistance from the administrative officer, should instruct the former employee to submit a claim for repayment in writing to the Finance Office stating name, current address and reason for claim and specifying the amount due.

5. Ensuring the return of all identification and building passes and keys.
6. Ensuring that the Personnel Security Representative is notified whenever an employee in a sensitive position who has a security clearance for access to Top Secret, Secret, or Confidential information is separating or transferring. . The employee must be debriefed and the security clearance must be withdrawn.
7. Ensuring that appropriate measures are taken to cancel access to HHS ADP systems, databases, networks (local and wide area), data centers, etc. All employee ADP related identification codes, computer passwords and account numbers will be changed or deleted on all systems, networks, etc., prior to or simultaneous with the transfer or separation of the employee.
(Reference: The Computer Security Act of 1987, PL 100-235 and OMB Circular A-130 Appendix III, Security of Federal Automated Information Systems (AIS). Also see HHS AIS Security Program Handbook.)
8. Following the completion of the clearance processing and satisfactory resolution of any issues, obtaining the employee's signature and date in item 15 of the **Form** HHS-419. (If the employee is unable or refuses to sign, the supervisor will note this in item 15.) The supervisor will then sign and date item 16 of the Form HHS-419 certifying that all required clearances have been obtained.
9. Issuing a copy of the completed Form HHS-419 to the employee, forwarding an information copy to the SPO, and returning the completed original to the administrative officer for retention. The Form HHS-419 will be retained for one year or for one year after any indebtedness is recovered, whichever is longer.
10. Ensuring that all communication with employees with disabilities is conveyed in a medium that is understood by the employees.

B. Employees are responsible for the following:

1. Notifying their supervisor of plans to separate or transfer at least two (2) weeks in advance of the scheduled date.
2. Resolving any issues of 'indebtedness before separation or transfer and working with the supervisor to ensure that proper clearances are obtained.
3. Returning all accountable property, forms, records and other Government property to the appropriate clearance office.
4. Completing and returning all required forms.
- 5 . Signing and dating the certification block in item 15 of the Form BBS-419 which attests that the employee has no unresolved indebtedness with the Department or Government property in his/her possession.
6. Informing management if written or oral communication needs to be presented in alternate formats to accommodate an employee's disability.

1-90-40 MINIMUM REQUIREMENTS OF CLEARANCE PROCEDURES

- A. Each clearance procedure developed under 1-90-20 shall assign to supervisors, with assistance from the appropriate administrative officer within the organization, the responsibility for coordinating the clearance of all employees who separate or transfer from the organizational unit. Additionally, the organizational unit responsible for each part of the clearance process must be clearly identified.
- B. The procedures shall include the policy in 1-90-30.
- c. The procedures shall place responsibility for follow-up action to resolve any outstanding issue and/or to collect any outstanding indebtedness following the separation or transfer of an employee.

J-90-50 **ITEMS FOR WHICH CLEARANCE XS REQUIRED**

Clearance is required for all funds and property, including personal custody, custodial, and accountable advances made to the employee, and accountable and controlled forms, files and records issued to the employee.

1-90-60 **CLEARANCE FORM**

Clearance of separating and transferring employees will be secured through the use of Form HHS-419, Clearance of Personnel for Separation or Transfer (see Exhibit 1-90-A). An OPDIV or Region with a similar form that meets all the requirements of this chapter may use such alternative form. Previous versions of this form are no longer authorized for use.

1-90-70 **SUPPLY OF FORMS**

Form HHS-419, Clearance of Personnel for Separation or Transfer, may be obtained through normal requisitioning channels. Public Health Service activities should obtain their supply of forms in accordance with the information contained in the PHS Forms Catalog.

CLEARANCE OF EMPLOYEES FOR SEPARATION ON TRANSFER											
Part A - IDENTIFICATION INFORMATION											
1. EMPLOYEE NAME:				2. SOCIAL SECURITY NUMBER:				3. TIMEKEEPER NUMBER:			
4. ORGANIZATION MD WORK LOCATION:								5. DATE OF SEPARATION/TRANSFER:			
6. CHECK ONE: <input type="checkbox"/> SEPARATING FROM FEDERAL GOVERNMENT: <input type="checkbox"/> TRANSFERRING TO ANOTHER HHS COMPONENT OR FEDERAL AGENCY (SPECIFY):								7. FORWARDING ADDRESS:			
Part B - CLEARANCES TO BP OBTAINED											
N/A = NOT APPLICABLE											
CLEARANCE ITEMS	BLDG & ROOM #	CLEARED	NOT CLEARED	N/A	INITIALS	CLEARANCE ITEMS	BLDG & ROOM #	CLEARED	NOT CLEARED	N/A	INITIAL
8. SUPERVISOR/ ADMINISTRATIVE OFFICER:						10. PERSONNEL					
a. ADP Security						a. Debt Collection					
b. Advanced Leave						b. Employment Agreement					
c. Building Pass						c. Required Notices/Forms					
d. ID Cards						d. Security Clearance					
e. Keys						e. Training in Outside Institutions					
f. Motor Vehicle Operator ID Card						11. CUSTODIAL OFFICER - HHS-Owned Equipment					
g. Official Files/Records						12. LIBRARY					
9. FINANCE:						13. PARKING PERMIT					
a. Accountable Forms						14. OTHER:					
b. Credit Cards						a.					
c. Employee Emergency Payments						b.					
d. Jury Fees						c.					
e. Relocation Allowance						d.					
f. Travel Advance						e.					
15. I CERTIFY THAT I HAVE NO HHS PROPERTY, RECORDS, OR CORRESPONDENCE AND I DO NOT HAVE ANY UNRESOLVED INDEBTEDNESS NITN TNB DEPARTMENT.						16. I CERTIFY THAT I HAVE REVIEWED THIS FORM AND THAT ALL REQUIRED CLEARANCES HAVE BEEN OBTAINED.					
SIGNATURE OF EMPLOYEE						SIGNATURE OF SUPERVISOR					
DATE						DATE					

GUIDELINES FOR COMPLETING FORM HHS-419

1. Detailed procedures and instructions for completing Form **HHS-419** are contained in General Administrative Manual (**GAM**) Chapter **1-90** and Exhibit 1-90-B.
2. **The** employee's supervisor (assisted by the administrative officer) is responsible for obtaining appropriate clearances for employees separating or transferring from their units, and will initiate Form HHS-419 by **filling** in Part A, items 1-7, when informed about the pending separation or transfer of an employee. When physically possible, the Form HHS-419 will be **hand-carried** to those officials from whom clearance is **necessary**. **For** locations which are distant from the clearance offices, the supervisor may obtain telephone clearances when deemed appropriate. Telephone **clearances** must be annotated with the name of the official contacted, status of **each item, and date of clearance**.
3. The clearance officials who are responsible for the items listed in Part B, items S-14, shall secure, when applicable, the return of issued items and forms, check and initial the clearance action they take. They will **describe** on a separate continuation sheet items for which clearance is not granted along with recommendations for immediate actions. (Continuation sheet(s) must be attached to Form XHS-419).
4. If the employee is indebted to the Department, the supervisor shall take the following actions as applicable:
 - a. **Arrange** for settlement/resolution of the employee's indebtedness to the Department prior to separation or transfer.
 - b. If the employee is separating from the Department and has not repaid his/her indebtedness prior to separation, see **GAM 1-90-30A.3a** for required procedures.
 - c. If the employee is transferring within HI-IS or to another Federal Agency and has not resolved **his/her** indebtedness prior to transfer, see GAM **1-90-30A.3b** and 3c for required procedures.
5. After all items in Part B have been cleared or resolved and the employee has signed and dated the certification block in item 15 (if the employee is unable or refuses to sign, the supervisor will note this in item 15) and the supervisor has signed and dated the **certification** block in item 16, a copy of the Form **HHS-419** will be provided to the employee.
6. The completed Form **HHS-419** and all continuation sheets shall be retained in the administrative officer's **files** for one year or for one year after any indebtedness is recovered, whichever is longer. An information copy will be forwarded to the Servicing Personnel Office.

**INSTRUCTIONS FOR COMPLETION OF FORM HHS-419,
CLEARANCE OF EMPLOYEES FOR SEPARATION OR TRANSFER**

PART A, ITEMS 1-7 **IDENTIFICATION INFORMATION:** Enter information on employee separating or transferring.

PART B, **ITEMS 8-14 CLEARANCES:** Clearances must be obtained from each of the offices below. The employee's supervisor will place a check mark in the N/A column if a specific clearance item is not applicable. Once cleared, the clearing office will place a check mark in the "Cleared" column. Items which are not cleared will be marked with a check mark in the "Not Cleared" column; the reason for not clearing must be explained on a separate continuation sheet. For any items lost by the employee, a signed statement from the employee explaining the loss must also be attached to the Form **HHS-419**.

8. **SUPERVISOR/ADMINISTRATIVE OFFICER** The employee's immediate supervisor, with assistance from the organization's administrative officer, is responsible for ensuring that the items listed below are accomplished:

- a. **ADP Security** Cancel employee's access to BBS ADP systems, databases, networks (local and wide area), data centers, etc. All employee ADP related identification codes, computer passwords and account numbers will be changed or deleted on all systems, networks, etc., prior to or simultaneous with the transfer or separation of the employee. (See **GAM 1-90-30A.7.**)
- b. **Advanced Leave,** If annual or sick leave has been advanced to an employee and not earned by the time of separation or transfer, the employee is generally obligated to repay the advanced leave. (See **HHS Personnel Manual Instruction 630-1-30J.**)
- c. **Building Pass** The BBS issued building pass must be returned. If the pass was returned in advance of leaving and a temporary pass was issued, the temporary pass must be returned to the supervisor.
- d. **Identification Cards** All government issued identification cards such as the FEMA Special Facility Identification Card, credentials and badges must be returned.
- e. **Keys** All office/desk keys must be returned to the employee's supervisor.

- f. Rotor Vehicle Operator Identification Card An employee who has a Motor Vehicle Operator Identification Card (SF-46) must surrender it when separating or transferring. (See HHS Personnel Manual Instruction 930-1-100.)
 - g. Official Files/Records The employee's supervisor is responsible for ensuring that all pertinent files and records in the possession of the employee are returned and retained by the organization for the periods prescribed in the appropriate records disposal schedule.
9. FINANCE It is the responsibility of the cognizant organization (e.g., finance/accounting office or administrative services) to ensure that outstanding employee indebtedness is settled or resolved as follows (Reference: Debt Collection Act of 1982 as implemented by 45 CFR Part 30):
- a. Accountable Forms Any controlled form such as a Government Bill of Lading (GBL) or other documents or **papers**, i.e. blank third party draft stock or Government Transportation Requests (GTR). The issuing office is responsible for ensuring, for those employees responsible for safeguarding these forms, that there is a proper accounting for all forms. (See Departmental Travel Manual Chapter 4-10.)
 - b. Credit Cards Any commercial or Government credit card provided directly to an employee or obtained by an employee through a Government assistance contract for use in official Government business. Types of cards include:
 - 0 U.S. Government Credit Card
 - 0 Credit card for use while on official Government travel (currently the Diners Card)
 - 0 Small Purchase Credit Card
 - 0 Telephone Credit Card

Employees separating or transferring to a different "CAN"/organization must turn in all Government credit cards to the issuing office. Credit cards issued in the employee's name will be destroyed in the presence of the employee and the account cancelled by the issuing office. (For locations distant from the issuing office, the supervisor will collect the card(s), notify the issuing office, and send the card(s) to the issuing office.)

- c. Employee Emergency Payment Funds provided to an employee when payment for hours already worked was not received by the employee.

HHS Finance Offices may issue an Employee Emergency Payment to temporarily replace a salary payment inadvertently not processed, lost, stolen, etc. The Finance Office is responsible for ensuring that repayment is accomplished within thirty (30) days of the date the Emergency Employee Payment is issued. (See Departmental Accounting Manual Chapters **10-30** and **10-41.**)

- d. Jury Fees Jury fees paid to an employee which represent other than reimbursement for commuting expenses must be collected from the employee.
- e. Relocation Allowances Allowances paid to an employee as a result of relocation from one duty station to another. Amounts determined to have been overpaid to employees must be repaid. (See Departmental Travel Manual Appendix B, Federal Travel -Regulation on Relocation Allowances.)
- f. Travel Advance Funds provided to employees, in advance, to pay for transportation, food, and lodging costs while on official business away from their normal duty station. An outstanding travel advance owed by a departing employee, and any outstanding travel vouchers which the employee has failed to submit, must be repaid and resolved prior to the **employee's** departure. (See Departmental Travel Manual Chapter **3-20.**)

10. PERSONNEL It is the responsibility of the Servicing Personnel Office (**SPO**) to appropriately review, clear and/or resolve the items listed below. If there is indebtedness for these items, the SPO will contact the appropriate office (**e.g.**, payroll, finance, etc.) if necessary to ascertain the amount of the debt and to determine whom the employee should contact to resolve the debt. The SPO must confirm that the indebtedness has been resolved before indicating "**Cleared**" on the Form HHS-419. (See **HHS** Personnel Manual Instruction **550-9.**)

- a. Debt Collections Certain employee debts are tracked by Payroll, including:
 - o Health Benefits If an employee continued to receive health benefits during a period he or she

was in a non-pay status, the SPO must determine whether the Government was reimbursed for the health plan premiums for this period.

- o **Salary Overpayments** The SPO must determine if an indebtedness exists due to a salary overpayment to an employee.

b. **Completion of Employment Agreement**

When BBS has paid the travel and transportation expenses of an employee to a new duty station, the employee is generally obligated to continue in the employ of the Federal government for a specified period of time or to repay the expenses. (See BBS Personnel Manual Instructions 571-1 and 571-4).

Other employment incentive and/or allowance agreements may also require repayment when an employee separates prior to completion of the agreement (e.g., Physicians Comparability Allowance or overseas employee's vacation leave travel expenses). (See BBS Personnel Manual Instructions 595-1 or 301-1.)

c. **I s s u e a N o t i c e**

The SPO will ensure that BBS employees are given required notices/forms appropriate to the circumstances of their leaving (e.g., unemployment compensation, thrift savings plan, health benefits, life insurance, post-employment restrictions, executive financial disclosure, etc.). Some forms may require completion and return by the employee. Attention should be directed, in particular, to the following:

- o All separating employees must be given a copy of **GAM** Exhibit 1-90-D, Post-Employment Restrictions Applicable to Former Employees of the Department of Health and Human Services.
- o All separating employees must be given a copy of SF 8, Notice to Federal Employee About Unemployment Insurance.
- o Certain separating employees covered under the "Ethics in Government **Act**" (i.e., SES, PHS Commissioned Officer O-7 and above, Schedule C, Administrative Law Judges, and others as appropriate) must be given a copy of SF 278,

Executive Personnel Financial Disclosure Report.
They **are** required to complete and return the
SF 278 within thirty (30) **days** of separation.

- d. **Security Clearance** If the employee is vacating a sensitive position (Level 2, 3, or **4**), the Personnel Security Representative (PSR) of the organization **MUST** be notified. The PSR will need to debrief the employee if the employee **has a** security clearance (Top Secret, Secret, or Confidential) **and** the security clearance must be withdrawn. The PSR may also need to cancel an ongoing investigation. (See BBS Personnel Manual Instruction 731-1.)
- e. **Training in Outside Institutions** Training of more than 80 hours through a non-Government facility generally obligates an employee to continue in the employ of BBS for a specified period **of** time after completion of the training or to repay certain training expenses. (See Federal Personnel Manual Chapter 410.)

- 11. **CUSTODIAL OFFICER - BBS-Owned Equipment**
Employees issued typewriters, dictating/transcribing machines, laptop computers, or other items of BBS property must return this equipment to the custodial officer. (See **GAM 1-90-30A.4.**)
- 12. **LIBRARY** Departing employees must return all books, materials, etc. borrowed from the library.
- 13. **PARKING PERMIT** Parking permits listed in the name of the departing employee must be returned to the parking management office.
- 14. **OTHER** Enter in items 14a through 14e other clearance requirements not specified in items 8 through 13.

EMPLOYEE'S CERTIFICATION: Upon completion of the clearance procedures, the employee shall sign and date the certification block in item 15 of the **Form HHS-419**. (If the employee is unable or refuses to sign, the supervisor will note this in item 15.)

SUPERVISOR'S CERTIFICATION: Upon completion of the clearance procedures and the employee certification block in item 15, the employee's immediate supervisor shall sign and date the certification block in item 16 of the Form HHS-419.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SAMPLE **INSTALLMENT** REPAYMENT AGREEMENT FOR
TRANSFERRING **EMPLOYEE - NOT TO EXCEED ONE YEAR**

I _____, an employee of the Department of Health and Human Services, (Component Name) _____, acknowledge that as of _____, 19____, I am indebted to the Department in the amount of \$_____. The debt consists of \$_____ principal; and accrued late payment charges of \$_____ interest, \$_____ administrative costs, and \$_____ penalty. It arose as a result of my failure to repay the Department for (insert reason) _____

I hereby certify under penalty of perjury that I am financially unable to repay the debt in full in a single payment and request to be allowed to repay it in installments instead of having it offset from my salary or other funds that may be due me.

TERMS OF THE REPAYMENT AGREEMENT:

Repayment of \$_____ (existing principal and all accrued to date late payment charges) with financing interest of _____ percent (Private Consumer Rate in effect on date of agreement) in _____ equal payments of \$_____ payable on the dates listed below. Financing interest over the length of the agreement will amount to \$_____.

PAYMENT DUE DATES:

1.	_____	19____
2.	_____	19____
3.	_____	19____
4.	_____	19____
5.	_____	19____
6.	_____	19____
7.	_____	19____
a.	_____	19____
9.	_____	19____
10.	_____	19____
11.	_____	19____
12.	_____	19____

(OTHER SIDE IS **TO** BE COMPLETED)

Payments must be made out to the Department of Health and Human Services and be received by the Finance Office at the address noted below on or before the payment due date. Failure to pay any payment on time will result in this repayment agreement being declared in default. Without further notice, any amount owed at the time of default will be referred to your then current Agency for offset against your salary or other funds due to you.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
(Insert mailing address)

I have read the above repayment agreement and I understand and agree to its terms and conditions as witnessed here by my signature.

Employee's Signature

Date

Current Home Address

City, State, Zip Code

=====

FINANCE OFFICE APPROVAL:

I hereby approve the repayment of the above cited debt by installments.

Approving Official's Signature

Date

(Insert name and title of approving official)

(Insert location of approving official)

**POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO FORMER
EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
WHO TERMINATE ON OR BEFORE DECEMBER 31, 1990**

I. Restrictions Applicable to ALL Former Employees

All former employees are barred from ever representing another to the Federal government on any particular matter involving specific parties which they were personally and substantially involved in while a government employee. (18 U.S.C. Section 207(a)). Also, there is a two-year prohibition on representation on any such matter which was pending under the former employee's official responsibility during his or her final year of government service. (Section 207(b)(i)). The term "particular matter involving specific parties" includes matters such as grants, contracts, applications, lawsuits, and other matters in which specific named parties are or were involved. It does not include policy matters such as regulations which have general applicability to the outside world.

II. Restrictions Applicable ONLY to Former "Senior Employees"

In addition to the above restrictions, the Department's approximately 335 "Senior Employees" listed at 5 CFR Section 737.33 are also subject to the so-called "**cooling off**" period imposed by 18 U.S.C. Section **207(c)**. For one year after leaving government, a former senior employee may not represent another person or himself in attempting to influence his/her former agency on **any** matter (new or old) which is pending **before, or of** substantial interest to, his/her former agency. However, under Section 207(d)(2) former senior employees whose principal occupation or employment is with (1) a state and local government, or agency or instrumentality thereof, (2) an accredited, degree granting institution of higher education, or (3) a hospital or medical research organization defined under Section **501(c)(3)** of the Internal Revenue Code are exempted from the restrictions of Section 207(c). A second special prohibition in Section **207(b)(ii)** provides that for two years after leaving government, a former senior employee may not aid or assist in representation of a party by personal **presence** on any matter in which he or she was personally and substantially involved.

Please contact your Deputy Ethics Counselor or the Department's Designated Agency Ethics Official at (202) 245-7258 for more information.

July 1990

**POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO FORMER
EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
WHO TERMINATE ON OR AFTER JANUARY 1, 1991**

I. Restrictions Applicable to ALL Former Employees

All former employees are barred from ever representing another to the Federal government **on** any particular matter involving specific parties which they were personally and substantially involved in while a government employee. (18 U.S.C. Section 207(a)(1)). Also, there is a two-year prohibition on representation on any such matter which was pending under the **former** employee's official responsibility during his or her final year of government service. (Section 207(a)(2)). The term "particular matter involving specific parties" includes matters such as grants, contracts, applications, lawsuits, and other matters in which specific named parties are or were involved. It does not include policy matters such as regulations which have general applicability to the outside world. There are additional restrictions on employees who were involved in trade or treaty negotiations. (Section 207(b)).

IX. Restrictions Applicable ONLY to Former "Senior Employees"

In addition to the above restrictions, the Department's approximately 335 "Senior Employees" (i.e., all EL II-V's, everyone paid at a GS-17 or above, and all O-7's and above) are also subject to the so-called "cooling off" period imposed by 18 U.S.C. Section 207(c). For one year after leaving government, a former senior employee may not represent another person in attempting to influence his/her former agency on any matter (new or old) which is pending before, or of substantial interest to, his/her former agency. The Secretary is also prohibited from lobbying anyone in HHS for one year and is further barred from lobbying Executive Level officials in the executive branch for one year. (Section 207(d)). However, under Section 207(j)(2) and (3), the restrictions in Sections 207(c) and (d) do not apply to employees whose principal occupation or employment is with (1) a state and local government, or agency or instrumentality thereof, (2) an accredited, degree granting institution of higher education, (3) a hospital or medical research organization defined under Section 501(c)(3) of the Internal Revenue Code, or (4) an international organization of which the United States is a member. All employees subject to the one year bans are also barred for one year from representing, aiding or advising a foreign government or foreign political party on a matter before any Federal agency. (Section 207(f)).

Please contact your Deputy Ethics Counselor or the Department's Designated Agency Ethics Official at (202) 245-7258 for more information.